



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/777,284

02/11/2004

Martin Zilliacus

004770.00261

5467

22907 7590 08/19/2010

BANNER & WITCOFF, LTD.

1100 13th STREET, N.W.

SUITE 1200

WASHINGTON, DC 20005-4051

EXAMINER

DOAN, DUYEN MY

ART UNIT

PAPER NUMBER

2452

MAIL DATE

DELIVERY MODE

08/19/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/777,284	Applicant(s) ZILLIACUS ET AL.	
	Examiner DUYEN M. DOAN	Art Unit 2452	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 May 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 23-49 and 53-101 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 23-49 and 53-101 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

Applicant's arguments have been fully considered and are persuasive. The 103 a rejection of claims 23-49,53-103 has been withdrawn.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 23-26,28,38-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Griswold (us pat 5,940,504) (hereinafter Gris) and Ishida (us 2002/0002042).

As regarding claim 23 Gris discloses connecting a first mobile terminal to an application database through a cellular communication network, the application database containing at least one application having a variable selectable lifetime (see Gris col.4, lines 14-18, col.6, lines 62-67, col.7, lines 3-26; col.9, lines 57-67; col.10, lines 1-13); receiving choice of application (see Gris col.4, lines 14-18, col.6, lines 62-67, col.7, lines 3-26; col.9, lines 57-67; col.10, lines 1-13);

providing the application database with information identifying a user of the first mobile terminal (see Gris col.4, lines 14-18, col.6, lines 62-67, col.7, lines 3-26; col.9, lines 57-67; col.10, lines 1-13);

downloading the chosen application from said application database to the first mobile terminal (see Gris col.4, lines 14-18, col.6, lines 62-67, col.7, lines 3-26; col.9, lines 57-67; col.10, lines 1-13);

storing indicia of the selected lifetime for the chosen application and of the information identifying the user, wherein the stored indicia corresponds to the selected lifetime during which the chosen application is further executable at mobile terminals accessible by the user (see Gris col.4, lines 14-18, col.6, lines 62-67, col.7, lines 3-26; col.9, lines 57-67; col.10, lines 1-13).

Gris is silent in regard to the user specified the life-time.

Ishida teaches user specified the life-time (see Ishida par 0005).

It would have been obvious to one with an ordinary skill in the art at the time the invention was made to incorporate the teaching of Ishida to Gris because they're analogous art. A person would have been motivated to modify Gris with Ishida for the purpose of providing the end user with flexibility of specified their own use term for the application.

As regarding claim 24, Gris-Ishida discloses the step of downloading the chosen application is performed over a wireless connection(see Gris col.4, lines 14-18, col.6, lines 62-67, col.7, lines 3-26; col.9, lines 57-67; col.10, lines 1-13).

As regarding claim 25, Gris-Ishida discloses the step of downloading over a wireless connection is performed through the cellular communication network(see Gris col.4, lines 14-18, col.6, lines 62-67, col.7, lines 3-26; col.9, lines 57-67; col.10, lines 1-13).

As regarding claim 26, Gris-Ishida discloses the step of downloading over a wireless connection is achieved by way of a short-range connection (see Gris col.4, lines 14-18, col.6, lines 62-67, col.7, lines 3-26; col.9, lines 57-67; col.10, lines 1-13);

As regarding claim 28, Gris-Ishida discloses the indicia is stored in an application-license database in connection with the application database(see Gris col.4, lines 14-18, col.6, lines 62-67, col.7, lines 3-26; col.9, lines 57-67; col.10, lines 1-13).

As regarding claim 38, Gris-Ishida discloses wherein the lifetime is a period of time measured from a predetermined starting time(see Gris col.4, lines 14-18, col.6, lines 62-67, col.7, lines 3-26; col.9, lines 57-67; col.10, lines 1-13).

As regarding claim 39, Gris-Ishida discloses the predetermined starting time is the time of downloading the chosen application (see Gris col.4, lines 14-18, col.6, lines 62-67, col.7, lines 3-26; col.9, lines 57-67; col.10, lines 1-13);

As regarding claim 40, Gris-Ishida discloses the lifetime is a predetermined number of downloads(see Gris col.4, lines 14-18, col.6, lines 62-67, col.7, lines 3-26; col.9, lines 57-67; col.10, lines 1-13).

Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Griswold (us pat 5,940,504) (hereinafter Gris) and Ishida (us 2002/0002042) as applied to claim 24 above and further in view of McCormack et al (us pat 6,360,255) (hereinafter McCormack).

As regarding claim 27, Gris-Ishida discloses the invention as claim in claim 24 above however Gris-Ishida is silent in regard to infrared.

McCormack teaches infrared (see McCormack, col.15, lines 55-56).

It would have been obvious to one with an ordinary skill in the art at the time the invention was made to incorporate the teaching of McCormack to Gris-Ishida because they're analogous art. A person would have been motivated to modify Gris-Ishida for the purpose of providing the end user with wide range of communication environment.

Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over Griswold (us pat 5,940,504) (hereinafter Gris) and Ishida (us 2002/0002042) as applied to claim 23 above and further in view of what was well known in the art.

As regarding claim 29, Gris-Ishida discloses the invention as claim in claim 23 above however Gris-Ishida is silent in regard to SIM.

Official Notice is taken (see MPEP 2144.03) SIM is well known at the time the invention was made.

It would have been obvious to one with an ordinary skill in the art at the time the invention was made to incorporate SIM to Gris-Ishida because they're well known. A person would have been motivated to modify Gris-Ishida for the purpose of identifying the end user device.

Claims 30-36,41-44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Griswold (us pat 5,940,504) (hereinafter Gris) and Ishida (us 2002/0002042) as applied to claim 23 above and further in view of Kim (us pat 6,546,002).

As regarding claim 30, Gris-Ishida discloses the invention as claim in claim 23 above however Gris-Ishida is silent in regard to receiving in the application database a request from the user for a subsequent downloading of a previously-downloaded application; determining whether lifetime remains by reference to the stored indicia of the selected lifetime for a previously-downloaded application for the user; and downloading the application a subsequent time, if it is determined that at least a portion of the selected lifetime remains for the requested application.

Kim teaches receiving in the application database a request from the user for a subsequent downloading of a previously-downloaded application; determining whether lifetime remains by reference to the stored indicia of the selected lifetime for a

Art Unit: 2452

previously-downloaded application for the user; and downloading the application a subsequent time, if it is determined that at least a portion of the selected lifetime remains for the requested application (see Kim col.3, lines 23-37, col.4, lines 1-10, col.6, lines 1-16, col.7, lines 12-30, col.9, lines 3-22; col.12, lines 8-22, col.13, lines 35-53).

It would have been obvious to one with an ordinary skill in the art at the time the invention was made to incorporate the teaching of Kim to Gris-Ishida because they're analogous art. A person would have been motivated to modify Gris-Ishida for the purpose of allow the user with flexible license uses.

As regarding claim 31, Gris-Ishida-Kim discloses the request is received from a second mobile terminal(see Kim col.3, lines 23-37, col.4, lines 1-10, col.6, lines 1-16, col.7, lines 12-30, col.9, lines 3-22; col.12, lines 8-22, col.13, lines 35-53).

As regarding claim 32, Gris-Ishida-Kim discloses the subsequent downloading comprises downloading the application to a second mobile terminal (see Kim col.3, lines 23-37, col.4, lines 1-10, col.6, lines 1-16, col.7, lines 12-30, col.9, lines 3-22; col.12, lines 8-22, col.13, lines 35-53).

As regarding claim 33, Gris-Ishida-Kim discloses refusing the request for subsequent downloading if the determination indicates that lifetime has expired in the stored indicia for said user (see Kim col.3, lines 23-37, col.4, lines 1-10, col.6, lines 1-

Art Unit: 2452

16, col.7, lines 12-30, col.9, lines 3-22; col.12, lines 8-22, col.13, lines 35-53).

As regarding claim 34, Gris-Ishida-Kim discloses downloading is performed over a wireless connection (see Kim col.3, lines 23-37, col.4, lines 1-10, col.6, lines 1-16, col.7, lines 12-30, col.9, lines 3-22; col.12, lines 8-22, col.13, lines 35-53).

As regarding claim 35, Gris-Ishida-Kim discloses downloading over a wireless connection is performed through the cellular communication network (see Kim col.3, lines 23-37, col.4, lines 1-10, col.6, lines 1-16, col.7, lines 12-30, col.9, lines 3-22; col.12, lines 8-22, col.13, lines 35-53).

As regarding claim 36, Gris-Ishida-Kim discloses the downloading over a wireless connection is achieved by way of a short-range connection (see Kim col.3, lines 23-37, col.4, lines 1-10, col.6, lines 1-16, col.7, lines 12-30, col.9, lines 3-22; col.12, lines 8-22, col.13, lines 35-53).

As regarding claim 41, the limitations of claims 41 are similar to the limitations of 23 and 30-36, therefore rejected for the same rationale.

As regarding claim 42, Gris-Ishida-Kim discloses said downloadable application is preprogrammed with the selected lifetime (see Gris col.4, lines 14-18, col.6, lines 62-67, col.7, lines 3-26; col.9, lines 57-67; col.10, lines 1-13) , wherein the downloadable

Art Unit: 2452

application is configured to delete itself from the at least one mobile terminal when the selected lifetime expires (see Ishida par 0058).

As regarding claim 43, Gris-Ishida-Kim discloses the selected lifetime expires as a function of a selected number of transactions (see Gris col.4, lines 14-18, col.6, lines 62-67, col.7, lines 3-26; col.9, lines 57-67; col.10, lines 1-13).

As regarding claim 44, Gris-Ishida-Kim discloses the lifetime expires as a function of a selected time (see Gris col.4, lines 14-18, col.6, lines 62-67, col.7, lines 3-26; col.9, lines 57-67; col.10, lines 1-13).

Claim 37 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gris-Ishida-Kim as applied to claim 36 above and further in view of McCormack et al (us pat 6,360,255) (hereinafter McCormack).

As regarding claim 37, Gris-Ishida-Kim discloses the invention as claim in claim 36 above however Gris-Ishida-Kim is silent in regard to infrared.

McCormack teaches infrared (see McCormack, col.15, lines 55-56).

It would have been obvious to one with an ordinary skill in the art at the time the invention was made to incorporate the teaching of McCormack to Gris-Ishida-Kim because they're analogous art. A person would have been motivated to modify Gris-Ishida-Kim for the purpose of providing the end user with wide range of communication environment.

Claims 45-46,48-49,53-55,57-59,65-69,73,86-88,90-92,98-100,102-103 are rejected under 35 U.S.C. 103(a) as being unpatentable over Griswold (us pat 5,940,504) (hereinafter Gris) and Ishida (us 2002/0002042) and further in view of Stefik (us pat 5,715,403).

As regarding claim 45, Gris discloses a central processing unit (CPU) (see Gris col.4, lines 14-18, col.6, lines 62-67, col.7, lines 3-26; col.9, lines 57-67; col.10, lines 1-13);

a memory unit coupled with the CPU and configured to store at least one application (see Gris col.4, lines 14-18, col.6, lines 62-67, col.7, lines 3-26; col.9, lines 57-67; col.10, lines 1-13);

an application requestor coupled with the CPU and configured to generate requests to download a variable-lifetime application from an application database; a lifetime determiner coupled with the CPU and configured to determine a remaining portion of the lifetime associated with a downloaded application (see Gris col.4, lines 14-18, col.6, lines 62-67, col.7, lines 3-26; col.9, lines 57-67; col.10, lines 1-13); and wherein the apparatus is operable to receive and store downloaded applications and to permit the downloaded application to be executed at the mobile terminal as long as a portion of its associated lifetime remains (see Gris col.4, lines 14-18, col.6, lines 62-67, col.7, lines 3-26; col.9, lines 57-67; col.10, lines 1-13).

Gris is silent in regard to the user specified the life-time.

Ishida teaches user specified the life-time (see Ishida par 0005).

It would have been obvious to one with an ordinary skill in the art at the time the invention was made to incorporate the teaching of Ishida to Gris because they're analogous art. A person would have been motivated to modify Gris with Ishida for the purpose of providing the end user with flexibility of specified their own use term for the application.

The combination of Gris-Ishida does not disclose disable an application.

Stefik teaches disable an application (see Stefik col.2, lines 1-6, col.3, lines 8-19, col.4, lines 25-39).

It would have been obvious to one with an ordinary skill in the art at the time the invention was made to incorporate the teaching of Stefik to Gris-Ishida because they're analogous art. A person would have been motivated to modify Gris-Ishida for the purpose of controlling the distribution of digital work.

As regarding claim 46, Gris-Ishida-Stefik discloses application disabler is configured to disable an application when the associated lifetime has expired (see Stefik col.2, lines 1-6, col.3, lines 8-19, col.4, lines 25-39).

As regarding claim 48, Gris-Ishida-Stefik discloses application requester is operable to request a previously-downloaded application for which at least a portion of the associated lifetime remains (see Gris col.4, lines 14-18, col.6, lines 62-67, col.7, lines 3-26; col.9, lines 57-67; col.10, lines 1-13)

As regarding claim 49, Gris-Ishida-Stefik discloses the memory unit also stores lifetime indicia associated with downloaded applications (see Gris col.4, lines 14-18, col.6, lines 62-67, col.7, lines 3-26; col.9, lines 57-67; col.10, lines 1-13).

As regarding claim 53, the limitations of claim 53 are similar to limitations of claim 45 above, therefore rejected for the same rationale.

As regarding claim 54, Gris-Ishida-Stefik discloses the wireless network is a cellular communication network (see Gris col.4, lines 14-18, col.6, lines 62-67, col.7, lines 3-26; col.9, lines 57-67; col.10, lines 1-13).

As regarding claim 55, Gris-Ishida-Stefik discloses the wireless network comprises short-range wireless communication(see Gris col.4, lines 14-18, col.6, lines 62-67, col.7, lines 3-26; col.9, lines 57-67; col.10, lines 1-13).

As regarding claim 57, Gris-Ishida-Stefik discloses receiving the user-selected time period for the first application from the mobile terminal (see Ishida par 0005).

As regarding claim 58, Gris-Ishida-Stefik discloses receiving the user-selected number of times the first application may be used from the mobile terminal (see Gris col.4, lines 14-18, col.6, lines 62-67, col.7, lines 3-26; col.9, lines 57-67; col.10, lines 1-13).

As regarding claim 59, Gris-Ishida-Stefik discloses the first application is configured to become unavailable by becoming non-functional (see Stefik col.2, lines 1-6, col.3, lines 8-19, col.4, lines 25-39).

As regarding claim 65, Gris-Ishida-Stefik discloses paying for the first application, wherein the amount of said payment is based on either the user-selectable time period or the user-selectable number of times (see Gris col.4, lines 14-18, col.6, lines 62-67, col.7, lines 3-26; col.9, lines 57-67; col.10, lines 1-13).

As regarding claim 66, Gris-Ishida-Stefik discloses making an initial payment for the first application; subsequently receiving another selection of the first application; again receiving the first application if there is time remaining in the user-selected time period; and making additional payment for said again receiving the first application, wherein the amount of said additional payment is reduced from the amount of the initial payment (see Gris col.4, lines 14-18, col.6, lines 62-67, col.7, lines 3-26; col.9, lines 57-67; col.10, lines 1-13).

As regarding claim 67, Gris-Ishida-Stefik discloses making an initial payment for the first application; subsequently receiving another selection of the first application; again receiving the first application if the first application has been used less than the user-selected number of times; and making additional payment for said again receiving

Art Unit: 2452

the first application, wherein the amount of said additional payment is reduced from the amount of the initial payment (see Gris col.4, lines 14-18, col.6, lines 62-67, col.7, lines 3-26; col.9, lines 57-67; col.10, lines 1-13).

As regarding claim 68, Gris-Ishida-Stefik discloses determining, at each attempt to use the first application, whether time remains in the user- selected time period, and deleting the first application if time does not remain in the user-selected time period (see Gris col.4, lines 14-18, col.6, lines 62-67, col.7, lines 3-26; col.9, lines 57-67; col.10, lines 1-13).

As regarding claim 69, Gris-Ishida-Stefik discloses determining, at each attempt to use the first application, whether the first application has been used less than the user-selected number of times, and deleting the first application if the first application has been used the user-selected number of time (see Gris col.4, lines 14-18, col.6, lines 62-67, col.7, lines 3-26; col.9, lines 57-67; col.10, lines 1-13).

As regarding claim 73, Gris-Ishida-Stefik discloses the first application contains executable digital information (see Gris col.4, lines 14-18, col.6, lines 62-67, col.7, lines 3-26; col.9, lines 57-67; col.10, lines 1-13).

As regarding claims 86-88,90-92,98-100,102-103, the limitations of claims 86-88,90-92,98-100,102-103 are similar to limitations of rejected claims 53-55,57-59,65-

69,73, therefore rejected for the same rationale.

Claims 47,60-62,71,93-95 are rejected under 35 U.S.C. 103(a) as being Gris-Ishida-Stefik as applied to claims 45,53,86 above and further in view of Forbes et al (us 6,381,742) (Hereinafter Forbes).

As regarding claims 47,60-62,93-95, Gris-Ishida-Stefik discloses claims 45,53,86 above but does not disclose configured to delete an application; deleting at least a portion of itself; delete only executable code.

Forbes teaches the configured to delete an application; deleting at least a portion of itself; delete only executable code (see Forbes col.8, lines 23-17).

It would have been obvious to one with an ordinary skill in the art at the time the invention was made to incorporate the teaching of Forbes to Gris-Ishida-Stefik because they're analogous art. A person would have been motivated to modify Gris-Ishida-Stefik for the purpose of controlling the distribution of digital work.

Claims 56,89 are rejected under 35 U.S.C. 103(a) as being Gris-Ishida-Stefik as applied to claims 53,86 above and further in view of McCormack et al (us pat 6,360,255) (hereinafter McCormack).

As regarding claims 56,89, Gris-Ishida-Stefik discloses the invention as claim in claims 53,86 above however Gris-Ishida-Stefik is silent in regard to infrared.

McCormack teaches infrared (see McCormack, col.15, lines 55-56).

It would have been obvious to one with an ordinary skill in the art at the time the invention was made to incorporate the teaching of McCormack to Gris-Ishida-Stefik because they're analogous art. A person would have been motivated to modify Gris-Ishida-Stefik for the purpose of providing the end user with wide range of communication environment.

Claims 63-64,70,72,96-97 are rejected under 35 U.S.C. 103(a) as being Gris-Ishida-Stefik as applied to claims 53,86 above and further in view of Kim (us pat 6,546,002).

As regarding claim 63, Gris-Ishida discloses the invention as claim in claim 53 above however Gris-Ishida-Stefik is silent in regard to subsequently receiving a re-selected choice of the first application; and again receiving the first application if time remains in the predetermined time period.

Kim teaches subsequently receiving a re-selected choice of the first application; and again receiving the first application if time remains in the predetermined time period (see Kim col.3, lines 23-37, col.4, lines 1-10, col.6, lines 1-16, col.7, lines 12-30, col.9, lines 3-22; col.12, lines 8-22, col.13, lines 35-53).

It would have been obvious to one with an ordinary skill in the art at the time the invention was made to incorporate the teaching of Kim to Gris-Ishida-Stefik because they're analogous art. A person would have been motivated to modify Gris-Ishida for the purpose of allow the user with flexible license uses.

As regarding claim 64, Gris-Ishida-Stefik-Kim discloses subsequently receiving a re-selected choice of the first application; and again receiving the first application if the first application has been used less than the predetermined number of times (see Kim col.3, lines 23-37, col.4, lines 1-10, col.6, lines 1-16, col.7, lines 12-30, col.9, lines 3-22; col.12, lines 8-22, col.13, lines 35-53).

As regarding claim 70, Gris-Ishida-Stefik-Kim discloses links to website (see Kim col.3, lines 23-37, col.4, lines 1-10, col.6, lines 1-16, col.7, lines 12-30, col.9, lines 3-22; col.12, lines 8-22, col.13, lines 35-53).

As regarding claim 72, Gris-Ishida-Stefik-Kim discloses games (see Kim col.3, lines 23-37, col.4, lines 1-10, col.6, lines 1-16, col.7, lines 12-30, col.9, lines 3-22; col.12, lines 8-22, col.13, lines 35-53).

As regarding claims 96-97, the limitations are rejected similar to 63-64,70,72.

Claims 74-76,78-79,82,85,101 are rejected under 35 U.S.C. 103(a) as being Gris-Ishida-Stefik as and further in view of Lin et al (us 6366791).

As regarding claim 74, Gris-Ishida-Stefik discloses claim 74, similar to claim 53 above, Gris-Ishida-Stefik does not disclose ringtone.

Lin teaches ringtone (see Lin col.2,lines 32-43).

It would have been obvious to one with an ordinary skill in the art at the time the

Art Unit: 2452

invention was made to incorporate the teaching of Lin to Gris-Ishida-Stefik because they're analogous art. A person would have been motivated to modify Gris-Ishida-Stefik for the purpose of allow the user with diversity of data.

As regarding claim 75, Gris-Ishida-Stefik-Lin discloses wherein the wireless network is a cellular network (see Gris citation).

As regarding claim 76, Gris-Ishida-Stefik-Lin discloses wireless network comprises short-range wireless communication (see Gris citation).

As regarding claim 78, Gris-Ishida-Stefik-Lin discloses receiving at the mobile terminal the user-selectable time period for the first ringing tone (Gris citation).

As regarding claim 79, Gris-Ishida-Stefik-Lin discloses receiving at the mobile terminal the user-selectable number of times the first ringing tone may be used (Gris citation).

as regarding claims 82,85,101, limitations are similar to above rejected claims.

Claim 77 is rejected under 35 U.S.C. 103(a) as being Gris-Ishida-Stefik-Lin as applied to claim 74 above and further in view of McCormack et al (us pat 6,360,255) (hereinafter McCormack).

As regarding claims 56,89, Gris-Ishida-Stefik-Lin discloses the invention as claim in claims 53,86 above however Gris-Ishida-Stefik-Lin is silent in regard to infrared.

Mccormack teaches infrared (see Mccormack, col.15, lines 55-56).

It would have been obvious to one with an ordinary skill in the art at the time the invention was made to incorporate the teaching of Mccormack to Gris-Ishida-Stefik –Lin because they're analogous art. A person would have been motivated to modify Gris-Ishida-Stefik-Lin for the purpose of providing the end user with wide range of communication environment.

Claims 80-81,83-84 are rejected under 35 U.S.C. 103(a) as being Gris-Ishida-Stefik-Lin as applied to claim 74 above and further in view of Kim (us pat 6,546,002).

As regarding claims 80-84, Gris-Ishida-Stefik-Lin discloses the invention as claim in claim 53 above however Gris-Ishida-Stefik-Lin is silent in regard to subsequently receiving a re-selection of the first ringing tone; and again receiving the first ringing tone if there is time remaining in the user-selected time period; subsequently receiving a re-selection of the first ringing tone; and again receiving the first ringing tone if the first ringing tone has been used less than the user-selected number of times making an initial payment for the first ringing tone; subsequently receiving a re-selection of the first ringing tone; again receiving the first ringing if there is time remaining in the user-selected time period; and making additional payment for said again receiving the first

Art Unit: 2452

ringing tone, wherein the amount of said additional payment is reduced from the amount of the first payment

Kim teaches subsequently receiving a re-selected choice of the first application; and again receiving the first application if time remains in the predetermined time period (see Kim col.3, lines 23-37, col.4, lines 1-10, col.6, lines 1-16, col.7, lines 12-30, col.9, lines 3-22; col.12, lines 8-22, col.13, lines 35-53).

It would have been obvious to one with an ordinary skill in the art at the time the invention was made to incorporate the teaching of Kim to Gris-Ishida-Stefik-Lin because they're analogous art. A person would have been motivated to modify Gris-Ishida for the purpose of allow the user with flexible license uses.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DUYEN M. DOAN whose telephone number is (571)272-4226. The examiner can normally be reached on M-F 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thu V. Nguyen can be reached on (571) 272-6967. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2452

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/DUYEN M DOAN/
Primary Examiner, Art Unit 2452